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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

CARLYLE LESLIE OWEN DALE,
Petitioner

CIVIL ACTION
NO. CV09-1689

VERSUS

JOSEPH P. YOUNG, et al.,
Respondents

JUDGE JAMES T. TRIMBLE
MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Before the court is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 by petitioner Carlyle Leslie Owen Dale ("Dale") on September 24, 2009. Dale was ordered removed from the United States in 2006. Dale, a native and citizen of Jamaica and a permanent resident of the United States, contests his continued detention, since April 2005, by the Bureau of Customs and Immigration Enforcement ("BICE") pending his removal from the United States. At the time of filing his petition, Dale was being detained in the Tensas Parish Detention Center in Oakdale, Louisiana. The sole relief requested by Dale is release from custody pending his removal, pursuant to Zadvydas v. Davis, 533 U.S. 678, 121 S.Ct. 2491 (2001).

The parties filed a "Stipulation of Dismissal" on July 1, 2010 (Doc. 19), in which they stated that Dale had been released from detention on June 30, 2010. Since Dale has been released and thus has achieved the sole relief requested in his habeas petition, Dale's habeas petition has been rendered moot.

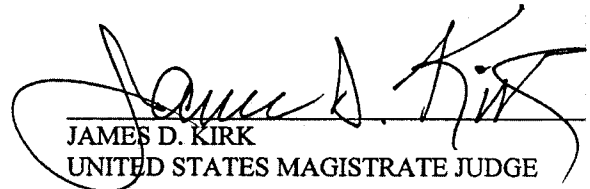
Conclusion

Based on the foregoing discussion, IT IS RECOMMENDED that Dale's habeas petition be DISMISSED AS MOOT.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the district judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 6th day of July, 2010.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE